

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: WANG et al.

Group Art Unit: 1636

Serial No.: 08/552,839

Examiner: D. Guzo

Filed: November 3, 1995

Attorney Docket No.:  
7639-044

For: NOVEL ADENOVIRAL VECTORS,  
PACKAGING CELL LINES,  
RECOMBINANT ADENOVIRUSES,  
AND METHODS

**STATEMENT BY ATTORNEYS FOR APPLICANTS REGARDING  
PERMANENCE AND AVAILABILITY OF THE DEPOSITED  
MICROORGANISMS**

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

We, attorneys for the Applicants in the above-identified patent application,  
declare and state that:

✓ 1. The plasmid designated pIK6.1 MIP ( $\infty$ )-ORF6 and identified by accession  
number ATCC CRL97325 was deposited with the American Tissue Culture Collection  
(ATCC), 12301 Parklawn Drive, Rockville, MD 20852 USA on October 25, 1995.

2. The plasmid designated pIK6.1 MIP ( $\infty$ )-E2A and identified by accession  
number ATCC CRL97324 was deposited with the American Tissue Culture Collection  
(ATCC), 12301 Parklawn Drive, Rockville, MD 20852 USA on October 25, 1995.

✓ 3. The 293 cell line carrying the adenovirus 5 E4 ORF6 DNA gene fragment  
and identified by accession number ATCC CRL 11990 was deposited with the ATCC on  
October 25, 1995.



4. The deposits referred to in paragraphs 1 and 2 meet the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure.

5. We hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the microorganisms referred to in paragraphs 1 and 2, will be irrevocably removed upon issuance of a United States patent of which such cultures are the subject; (b) the microorganisms will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism was received by the depository and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutilated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the dependency of the patent application or to come determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122. Copies of the Receipts of Deposit for each of the cell lines have been attached to this statement.

6. We hereby declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that we make these statement with the knowledge that willful false statements

and the like are punishable by fine or imprisonment, or both, under § 1011 of Title 18 of the  
jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

DEC 10 1998  
Date: December 10, 1998

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by: *Jacqueline Benn*  
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30,742

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(Reg. No.)

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Enclosure

